

PD-0395-20

NICOLE P. SELECTMAN

§

COURT OF

FILED

COURT OF CRIMINAL APPEALS

7/29/2020

DEANA WILLIAMSON, CLERK

VS.

§

CRIMINAL APPEALS

§

STATE OF TEXAS

§

OF TEXAS

MOTION TO AMEND APPELLANT'S
PETITION FOR DISCRETIONARY REVIEW

TO THE HONORABLE COURT OF APPEALS:

COMES NOW, appellant, NICOLE P. SELECTMAN, who, by and through his appellate counsel of record, Mr. Dean A. Diachin, and pursuant to TEX. R. APP. P. 68.10, does hereby respectfully move this Honorable Court for leave to amend appellant's petition for discretionary review [PDR] filed July 22, 2020, and in support thereof would show this Honorable Court the following:

I. Procedural History.

This is an appeal from a conviction of one count aggravated assault in which appellant was sentenced to ten [10] years' confinement and no fine. The court of appeals affirmed the trial court's judgment on March 25, 2020. Appellant timely filed his initial PDR on July 22, 2020 and the instant motion to amend that PDR on July 28, 2020. TEX. R. APP. P. 68.2 (West 2017).

II. Reason for Amendment.

After filing appellant's PDR, appellate counsel discovered a few minor errors in typography, verb tense, and word choice. All told, appellant's amended PDR consists of exactly twenty-four [24] additional words. None of the edits significantly changes the structure or content of appellant's initial argument. Out of an abundance of caution, appellate counsel simply wishes to present the most clear, effective, & reader-friendly work-product possible.

III. Prayer

WEREFORE, PREMISES CONSIDRED, appellant respectfully requests this Honorable Court grants the instant motion and accepts appellant's amended PDR filed this date in lieu of the one counsel filed on July 22, 2020.

Respectfully submitted,

/s/ Dean A. Diachin

DEAN A. DIACHIN

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LEAD COUNSEL FOR APPELLANT.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing motion has been e-served upon: (1) Bexar County District Attorney's Office, Appellate Division, 101 W. Nueva St., San Antonio, TX 78205; and (2) State Prosecuting Attorney's Office, 209 W. 14th Street, Austin, TX 78701 on July 28, 2020.

/s/ *Dean A. Diachin*
DEAN A. DIACHIN
Bexar County Assistant Public Defender.

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Associated Case Party: State of Texas

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